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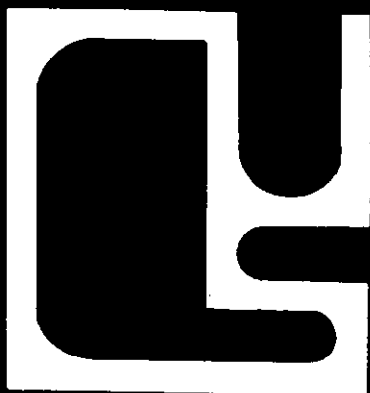
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Canada- United States Law Journal

Volume 22

1996

**HUMAN RESOURCES IN THE CANADA/U.S.
CONTEXT AND IN A CHANGING WORLD:
THE IMPACT OF NAFTA ON HUMAN
RESOURCES**

Conducted Under the Auspices of

THE CANADA-UNITED STATES LAW INSTITUTE

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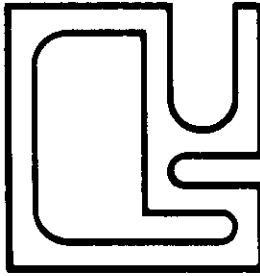
CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

**Cleveland, Ohio
April 19-21, 1996**

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The following are the proceedings of a Conference held under the auspices of the Canada-United States Law Institute and the Case Western Reserve University School of Law. The Conference was held in Cleveland, Ohio on April 19, 1996 to April 21, 1996. The focus of the Conference was *Human Resources In the Canada/United States Context and in a Changing World: The Impact on NAFTA on Human Resources*.

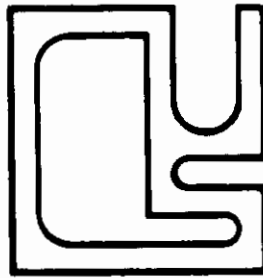
The articles and discussions printed herein have been compiled from transcripts of the Conference and papers submitted by the speakers. While speakers' remarks and/or papers have been edited, the question and answer sessions have been subjected to minimal editing to preserve the spirit of the Conference and the spontaneity of exchange. Although great care has been taken to verify most of the speakers' assertions and citations, any questions regarding those left unverified should be addressed to the authors.

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The views expressed herein are those of the authors or Conference participants. They do not necessarily reflect the opinions or policies of any organization, governmental agency, or corporation with which they may be affiliated.

I am grateful for the help and support of those people who have assisted with the production of this volume, particularly Carolyn Speaker and Debbie Korenchan of the Case Western Reserve University School of Law. I would also like to thank Daniel Blitz for his assistance, both as a consultant and associate editor. Finally, I would like to thank Professor Henry T. King, Jr. His dedication to this *Journal* and to this honorable profession is truly inspiring.

John J. Barrett, III
Editor-in-Chief



**Canada-
United States
Law Journal**

VOLUME 22

1996

**PROCEEDINGS OF THE CANADA-UNITED STATES
LAW INSTITUTE CONFERENCE**

**HUMAN RESOURCES IN THE CANADA/U.S. CONTEXT AND
IN A CHANGING WORLD: THE IMPACT OF NAFTA ON
HUMAN RESOURCES**

**Cleveland, Ohio
April 19-21, 1996**

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**Speakers at the Canada-U.S. Law Institute Conference on
Human Resources in the Canada/U.S.
Context and in a Changing World:
The Impact of NAFTA on Human Resources**

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DR. GORDON BETCHERMAN is Executive Director of the Human Resource Group at Ekos Research Associates and Research Director of the work Network for the Canadian Policy Research Networks. From 1992-1994, he was a Senior Fellow in the School of Industrial Relations at Queen's University where he directed a major national research project on human resource management trends in Canada which resulted in a report, *The Canadian Workplace in Transition*. Prior to his fellowship, Dr. Betcherman was a research Director at the Economics Council of Canada where he was responsible for a number of labour market studies including *Good Jobs, Bad Jobs* and *Employment in the Service Economy*. Dr. Betcherman is widely published in Canadian, American, and European publications. He obtained his Ph.D. from the University of California at Los Angeles.

DR. MARIE-LOUISE CARAVATTI, at the time of the Conference, was with the U.S. Department of Commerce where she was a senior policy advisor in the Secretary's Office of Global Competitiveness and Business Advocacy. She is now in the Office of the Assistant Secretary for Energy Efficiency and Renewable Energy at the Department of Energy. Prior to her tenure at the Department of Commerce, she was in the Office of Technology Policy in Technology Administration, appointed to that position by President Clinton in 1993. Prior to that she was a private consultant specializing in trade technology and international relations. She has a Ph.D. and M.A. from Georgetown and a B.A.

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EDWARD CHIASSON is a partner at Ladner Downs in Vancouver, British Columbia, and is the Hunter Professor of Arbitration and Dispute Resolution at the City University of Hong Kong. Mr. Chiasson has practiced in a variety of areas including commercial litigation and arbitration, tax, anti-trust, joint venture, and licensing disputes. He has particular experience in technical disputes where he has advised and counseled on environmental, waste management, and native rights issues. He has appeared as counsel and acted as arbitrator in Canada, the United States, and France. Mr. Chiasson is widely published in the fields of commercial litigation, arbitration, environmental law, and native issues. He received his B.A. from Notre Dame College and the University of British Columbia and his LL.B. from the University of British Columbia.

MARY CORNISH is a senior partner with the Toronto labour law firm of Cavalluzzo Hayes Shilton McIntyre & Cornish. The firm represents employees, unions, and progressive organizations in areas such as labour law, human rights, and pay equity. She is a feminist labour lawyer, human rights advocate, and co-founder of Ontario's Equal Pay Coalition, where she is also a spokesperson. She was counsel on cases that established for the first time the standards used to identify and rectify pay discrimination toward women workers. Ms. Cornish has authored numerous legal publications on women's and labour issues. In 1992, she chaired a Task Force for the reform of the *Human Rights Code*; and in 1993, she received the "Law Society Medal" from the Law Society of Upper Canada for her outstanding contribution to the legal profession.

ROBERT COTTINGTON practices employment law and benefits at Reed Smith Shaw & McClay in Pittsburgh, Pennsylvania. He has practiced before the National Labor Relations Board, the Equal Employment Opportunity Commission, and various state and local fair employment practices agencies. He is a member of the American Bar Association's labor and employment law section. He has a degree in mathematics from Bucknell University and a law degree from Case Western Reserve University's School of Law.

PHYLLIS EISEN is Senior Policy Director for the National Association of Manufacturers (NAM) in which capacity she directs and lobbies programs in education and workforce readiness issues as well as a broad range of general business issues. For the past three years, she worked as director of unique partnerships with the U.S. Department of Labor. Ms. Eisen speaks nationwide

on other education and training issues and is quoted extensively. Before joining NAM, she was director of government relations in the management consulting firm of V.J. Adduci where her major account responsibility was for Mack Trucks, Inc. Ms. Eisen earned her undergraduate degree in political science at the University of Maryland and pursued additional graduate work in public policy, political science, and education at George Washington University and The University of Maryland.

HAROLD GILES is Group Vice President, Human Resources at Bell Canada. He was appointed to this position in April of 1995. Mr. Giles joined Bell Canada after more than twenty-eight years at General Electric. While at General Electric, he held various operations and senior-level Human Resources positions in Canada and abroad. Mr. Giles received a bachelor's degree in Economics from York University.

DONALD HASTINGS was elected Chairman of the Board and Chief Executive Officer of The Lincoln Electric Company in Cleveland in 1992. He has been with the organization for over forty years. He was appointed President of the company in 1987 and has been a member of the Board of Directors since 1980. Mr. Hastings serves on the Board of Directors of such organizations as Society National Bank and The Greater Cleveland Growth Association. He is also Vice Chairman of the Greater Cleveland International Trade Alliance. After graduating from Pomona College in California, Mr. Hastings served as an infantry officer before earning his M.B.A. at Harvard Business School.

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MICHAEL McDERMOTT is Senior Assistant Deputy Minister, Legislative Review, Part I of the Canada Labour Code, Human Resources Development Canada. He was previously Senior Assistant Deputy Minister, Federal Mediation and Conciliation Service, Labour Canada. Mr. McDermott began his public service career in 1965 as an officer with the International Labour Affairs Branch. During his career he has represented Canada at the Organization for Economic Cooperation and Development and the International Labour Organization (ILO). In 1983 and 1984, he headed the Canadian delegation to the ILO conference in Switzerland. Mr. McDermott graduated from the University of Hull and has studied at Carleton University and the École Nationale d'Administration, Paris, France.

JAMES McILROY is founder of McIlroy & McIlroy, Counsel on Public Policy where he advises clients on government relations, international trade, intellectual property, and successful export strategies. Earlier in his career, Mr. McIlroy practiced commercial litigation and international trade law. In 1984, he was appointed Senior Policy Advisor to Canada's Minister for International Trade where he assisted in launching the Canada-U.S. Free Trade Agreement and was involved with a wide range of trade policy issues, including GATT. Mr. McIlroy has worked on disputes between Canada and the United States in antidumping and countervailing duty cases, and in recent years has helped launch the NAFTA negotiations. He holds a B.Sc. from the Université de Montréal, a Master's degree from Sorbonne, and an LL.B. from Osgoode Hall Law School.

JOHN McKENNIREY is the Executive Director for the Commission for Labor Cooperation, created pursuant to the North American Agreement on Labor Cooperation. Prior to this position, he was Director General of Staff Relations and Compensation in Canada's Department of National Revenue, where he was responsible for labor relations, compensation, and related policy for the largest federal government department in Canada. In 1993, Mr. McKennirey was Canada's chief negotiator for the North American Agreement on Labor Cooperation. He has held a number of other senior positions in the Canadian public service, including Director General of Federal-Provincial Relations at Human Resources Development Canada. He received his B.A. (honors) from Brock University and his M.A. from the University of Ottawa.

ROBERT MEADE is the Vice President of Program Development for the American Arbitration Association where he is responsible for developing and expanding the use of alternative dispute resolution by businesses, industry groups, and the legal community. As a member of the Association's Business Development Group, Mr. Meade educates users of the Association's services on the full range of conflict avoidance and resolution techniques. He has designed and served on training programs for parties and neutrals in all methods of dispute avoidance and resolution. Mr. Meade has spearheaded a number of national efforts to develop fair and equitable rules and procedures for alternative dispute resolution in a wide range of industries. He received a B.A. from Syracuse University.

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Canada/U.S. Law Institute Conference

on

**HUMAN RESOURCES IN THE CANADA/U.S. CONTEXT
AND IN A CHANGING
WORLD: THE IMPACT OF NAFTA ON HUMAN
RESOURCES**

April 19-21, 1996

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